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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,184	08/02/2001	Edward O. Clapper	42390P11330	7545

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TROP PRUNER & HU, PC  
8554 KATY FREEWAY  
SUITE 100  
HOUSTON, TX 77024

EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/922,184

Applicant(s)

CLAPPER, EDWARD O.

Examiner

BINH K. TIEU

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-2, 4, 11-12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by McAllister et al. (U.S. Pat. #: 6,442,242).

Regarding claim 1, McAllister et al. ("McAllister") teaches a method comprising:

receiving a telephone call;

encoding the telephone call;

storing the encoded telephone call; and

sending an email containing the encoded telephone call (col.8, lines 25-32).

Regarding claims 2 and 4, note col.6, lines 5-18; col.7, lines 61-64 and col.8, lines 33-29.

Regarding claims 11-12, note the method shown in figure 3, col.4, line 21 – col.5, line

40.

Regarding claim 15, McAllister teaches an apparatus as shown in figure 1 comprising:

a communication interface (i.e., PBX 10) for coupling to a network to receive a telephone call (col.5, lines 32-44);

Art Unit: 2643

an encoder (i.e., voice processor 20), coupled to the communication interface, for encoding the telephone call (col.6, lines 41-50);

local storage (i.e., voice processor 20 or database 24), coupled to the encoder, for storing the encoded telephone call (col.6, lines 22-23; lines 41-43); and

an email program (i.e., E-Mail platform 26), coupled to the local storage, for sending an email containing the encoded telephone call (col.6, lines 48-52).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5-10, 13-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Pat. #: 6,442,242) in view of Gurbani et al. (U.S. Pat. #: 6,282,275).

Regarding claims 3 and 5, McAllister teaches all subject matters as claimed above, except for caller ID information is retrieved from a remote website in response to receiving a remote request. However, Gurbani et al. ("Guibani") teaches such features in col.4, line 64 – col.5, line 30 for a purpose of allowing a user away from his or her telephone station to retrieve the caller ID information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of retrieving caller ID information

Art Unit: 2643

from a remote website in response to receiving a remote request, as taught by Gurbani, into view of McAllister in order to provide complete caller ID information to receipt.

Regarding claim 6, McAllister teaches all limitations as stated in the rejection of claim 1 above. McAllister teaches that the message is sent to the purchasing department indicating (to one of agents) that the message had been received from John Smith by the autoattendent system at 3:26 p.m. and is being forwarded as an attachment to the e-mail, of cause, will be eventually played back by an agent (col.8, lines 34-39).

It should be noticed that McAllister fails to clearly teach the feature of generating video representation. However, Gurbani teaches such feature in col.1, lines 24-39 for a purpose of presenting caller ID information to the receipt in ISDN, Internet telephone, a computer or the like.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of generating video representations, as taught by Guibani, into view of McAllister in order to presenting caller ID information as well as audio communications to receipt's video display device.

Regarding claims 7-10, as noted from the rejection of claim 6 above that the McAllister teaches voice mail message is transmitted to the purchase department via the attachment of an email. Gurbani further teaches limitations of the claim in col.3, lines 15-20 and lines 40-43.

Regarding claims 13-14, note the method shown in figure 3, col.4, line 21 – col.5, line 40.

Regarding claim 16, Gurbani further teaches limitations of the claim in col.1, lines 24-40.

Art Unit: 2643

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

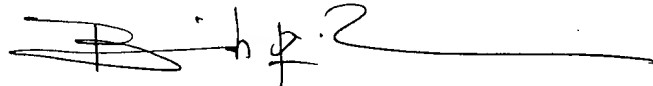
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



**BINH TIEU**  
**PRIMARY EXAMINER**

Art Unit 2643

Date: October 07, 2002